

AMENDMENT TO THE COMMITTEE PRINT
OFFERED BY MS. SOLIS OF CALIFORNIA, MR.
DINGELL OF MICHIGAN, AND MR. MARKEY OF
MASSACHUSETTS

Build-out

In section 630(c) of the Communications Act of 1934, as added by section 101 of the bill, add at the end the following:

1 “(6) PUBLIC BENEFITS FOR USE OF PUBLIC
2 RIGHTS-OF-WAY.—A cable operator authorized under
3 this section to provide cable service in a local fran-
4 chise area is authorized pursuant to subsection (f) to
5 use public rights-of-way in the area if the operator
6 complies with subsection (l).”.

In section 630 of the Act (as so added), after subsection (k) insert the following new subsection (and make such technical and conforming amendments as may be necessary):

7 “(l) SERVICE AREA REQUIREMENTS.—
8 “(1) CABLE OPERATOR ELECTS FRANCHISE
9 AREAS TO SERVE.—A cable operator that obtains a

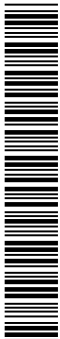


1 national franchise shall not be required under this
2 section to offer cable service in any franchise area.

3 “(2) NO SERVICE AREA REQUIREMENT FOR 5
4 YEARS.—A cable operator that obtains a national
5 franchise shall not be required under this subsection
6 to offer service in any portion of a franchise area for
7 5 years after the effective date of the operator’s na-
8 tional franchise under this section.

9 “(3) MARKET-BASED INCREMENTAL EXPAN-
10 SION.—Beginning on the date that is 5 years after
11 the effective date of a cable operator’s national fran-
12 chise under this section for a franchise area and
13 every 3 years thereafter, if in the portion of the
14 franchise area where the cable operator is offering
15 cable service at least 15 percent of the households
16 subscribe to such service, the franchising authority
17 in the franchise area may require the cable operator
18 to increase by 20 percent the households in the fran-
19 chise area to which the cable operator offers cable
20 service by the beginning of the next 3-year interval,
21 until the cable operator is capable of providing cable
22 service to all households in the franchise area.

23 “(4) HIGH-COST, RURAL AREAS.—The Commis-
24 sion may—



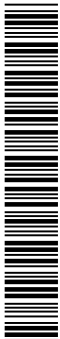
1 “(A) limit the application of the provisions
2 of this subsection to a cable operator if the op-
3 erator demonstrates that compliance with such
4 provisions will result in financial distress to the
5 cable operator;

6 “(B) permit a cable operator to offer cable
7 service using alternative technologies to rural or
8 high-cost areas within the franchise area if the
9 service offered is comparable in rates, features,
10 functionalities, and programming to the cable
11 service offered by the cable operator in other
12 parts of the franchise area; and

13 “(C) grant exemptions—

14 “(i) to avoid requiring a cable oper-
15 ator that is an incumbent local exchange
16 carrier (as such term is defined in section
17 251(h)) on the date of enactment of this
18 section from offering cable service in areas
19 that are outside the area in which the op-
20 erator provides local exchange service;

21 “(ii) to avoid requiring the extension
22 of service to portions of the franchise area
23 that are sparsely populated and geographi-
24 cally remote from the areas within which



1 the cable operator is offering cable service;
2 and
3 “(iii) to any cable operator that the
4 Commission determines is a small cable op-
5 erator.”.

